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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

TIMOTHY McCOLLOUGH,

Plaintiff,

vs.

JOHNSON, RODENBURG &
LAUINGER.

Defendant.

Cause No. CV-07-166-BLG-CSO

Judge Carolyn S. Ostby

**NOTICE OF SUPPLEMENTAL
AUTHORITY RE PLAINTIFF'S BRIEF
IN RESPONSE TO JRL'S MOTION IN
LIMINE**

Plaintiff, pursuant to Local Rule 7.5, herein files his Second Notice of Supplemental Authority concerning his Brief in Response to JRL's Motion in Limine (Docket No. 109). Pages 5 through 13 of Plaintiff's Brief address the relevance and admissibility of evidence related to JRL's overall business practice, including the number of suits it files, witnesses with similar allegations to those raised by Plaintiff here, a letter from Judge Fagg, and a prior FDCPA violation. Plaintiff focused on Supreme Court case law in the context of punitive damages. Plaintiff failed to address the statutory damages under the FDCPA, which the jury

will need to determine. Pursuant to the FDCPA, factors to be considered in the determination of statutory damages include:

(1) in any individual action under subsection (a)(2)(A), the frequency and persistence of noncompliance by the debt collector, the nature of such noncompliance, and the extent to which such noncompliance was intentional ...

15 U.S.C. § 1692k(b)(2).

Plaintiff apologizes for failing to include this legal authority in his initial Brief.

Respectfully submitted this 13th day of March, 2009.

HEENAN LAW FIRM

/s/ John Heenan
John Heenan
Attorney for Plaintiff